

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No. 3223 of 1999 (O&M)  
Date of decision 20.05.2015.

Kajor Ram Saini

..... Appellant.

versus

Suraj Singh and others

..... Respondents.

**CORAM :- HON'BLE MR.JUSTICE K.C.PURI.**

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? yes
2. To be referred to the Reporters or not? yes
3. Whether the judgment should be reported in the Digest? yes

Present : Mr. G.K.Chawla, Advocate for the appellant.  
Ms. Vandana Malhotra, Advocate for Insurance Company.  
Mr. Sharad Aggarwal, Advocate for  
Mr. Lokesh Singhal, Advocate for respondent Nos.1 to 3.  
Mr. Anil Gehlawat, Advocate for respondent No.5.

**K.C.PURI, J.**

This is an appeal directed by Kajor Ram Saini injured against the Award dated 02.04.1999 passed by Dr. Bharat Bhushan Parsoon, Motor Accident Claims Tribunal, Gurgaon vide which the claim petition was partly accepted and claimant was held entitled to claim Rs.1,09,500/- as compensation.

2. Briefly stated, Kajor Ram Saini filed claim petition claiming compensation on account of injuries suffered by him in a motor vehicular accident. It is pleaded that on 23.01.1994 he was driving bus bearing registration No. RJ-14-P-2907 belonging to Rajasthan State Road Transport

Corporation, Jaipur and was going from Alwar to Delhi. At about 8a.m., when he reached 4k.m. ahead of Nuh in the area of village Sallamba, Tanker No.UGU 8361 being driven by respondent No.1, rashly, negligently and at a high speed came from opposite side and hit against the bus. As a result of which claimant Kajor Ram Saini received multiple injuries. The Tribunal after adjudication accepted the claim petition and allowed a sum of Rs.1,09,500/-. The details of which is given as under :-

Rs.20,000/- on account of medical expenses ;

Rs.30,000/- on account of pain and suffering ;

Rs.32,000/- on account of loss of salary income ;

Rs.12,000/- on account of attendant charges ;

Rs.5,000/- on account of transportation ; and

Rs.10,500/- on account of special diet.

The claimant has directed this appeal for enhancement.

3. On the last date of hearing, counsel for the appellant has submitted that claimant has been removed from his job and as such the appellant was directed to file an affidavit and in compliance to that CM.No.10891 CII of 2015 has been filed.

4. Affidavit has been filed in which it is mentioned that appellant is not given duties of bus driver and as such he is not allowed the privileges and perks including overtime allowance of the bus driver. The argument that appellant has suffered 100 functional disability is not available to the appellant as the appellant is still in service of Rajasthan State Road Transport Corporation, Jaipur. However, the fact remains that Medical Board has given 50% permanent disability. The Tribunal has

wrongly held that he is getting an amount of Rs.1400/- per month from the State Insurance Corporation. In fact, he was getting only Rs.14/- i.e. fourteen hundred paise per month. Otherwise also that amount has not to be considered. It is submitted that appellant received injuries on the nose, head as well as right elbow. He was taken to Civil Hospital, Nuh, from where he was referred to Civil Hospital, Gurgaon and thereafter he was shifted to Safadarjang Hospital, Delhi and he remained admitted in Safadarjang Hospital from 23.01.1994 to 08.02.1994. Stitches were applied on the eye and head. He spent Rs.50,000/- on his stitches and he remained on medical leave upto 30.04.1995. It is further submitted that memory as well as eye sight of the appellant have been effected. It is submitted that an amount of Rs.30,000/- in respect of 50% disability is on lower side. It is submitted that no amount regarding future prospect has been awarded as the appellant has lost chances of his promotion.

11. Learned counsel for the Insurance Company has submitted that no bill in respect of medical expenses was produced. So, amount of Rs.20,000/- can be considered in respect of pain and suffering. In support of his arguments, learned counsel has relied upon authority **Nandkishore vs. Kachrual and others reported in 2014 ACJ page 924.** So, prayer has been made for dismissing the appeal.

12. I have carefully considered the submissions made by both the sides and have gone through the records of the case.

13. So far as authority **Nandkishore's case (supra)** is concerned, that authority is distinguishable as in that case the appellant was sufferer on

account of loss of job whereas in the present case the appellant is still in job. The appellant has tried to mislead the court by alleging that he is out of job but when he was asked to file affidavit, he has admitted that he is still working with the Rajasthan State Road Transport Corporation, Jaipur. The Tribunal has awarded an amount of Rs.1,09,500/-. The details of which is in the above paragraphs. As per evidence on the file, appellant has suffered 50% disability and as such amount awarded by the Tribunal amounting to Rs.30,000/- in respect of said account is on lower side. Appellant must have lost pleasure of life due to injuries and permanent disability. So, the amount requires enhancement. The argument that no amount in respect of medical expenses can be given, cannot be accepted. Appellant was shifted to various hospitals and ultimately remained admitted in Safadarjang Hospital, Delhi. So, the amount of Rs.30,000/- cannot be said to be on higher sides.

14. In view of my above discussion, the ends of justice would be met in case Rs.1,00,000/- more is allowed in respect of injuries sustained by appellant in motor vehicular accident. And I order accordingly. The enhanced amount is in respect of pain and suffering and also on account of loss of pleasure in life. The enhanced amount shall carry interest @ 7½% per annum from the date of claim petition before the Tribunal till the date of realization. The liability to pay the compensation amount shall be the same as ordered by the Tribunal.

15. In the manner indicated above, the appeal stands disposed of accordingly.

16. A copy of this judgment be sent to the trial Court for strict compliance.

**( K.C.PURI )  
JUDGE**

**May 20, 2015**  
**sv**